

Exhibit A

This case has been designated as an eFiling case. To review a copy of the Notice of Mandatory eFiling visit www.oakgov.com/clerkrod/Pages/efiling.

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT OAKLAND JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS AND COMPLAINT	CASE NO. 2017-160464-NF 17 NF JUDGE SHALINA KUMAR
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Court address
1200 N. Telegraph Road, Dept. 404, Pontiac, MI 48341

Court telephone no.
248-858-0582

Plaintiff's name(s), address(es), and telephone no(s).
VHS of MICHIGAN, INC. d/b/a THE DETROIT
MEDICAL CENTER (Michael Palazzolo)

v

Defendant's name(s), address(es), and telephone no(s).
NATIONAL INDEMNITY COMPANY
Resident Agent
c/o CSC-Lawyers Incorporating Service
601 Abbot Road
East Lansing, MI 48823

Plaintiff's attorney, bar no., address, and telephone no.
ANDREW J. HORNE P72523
MILLER & TISCHLER, P.C.
28470 W. 13 Mile Road, Ste. 300
Farmington Hills, MI 48334; (248) 945-1040

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to file an answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state). (MCR 2.111(C))
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued 8/22/2017	This summons expires 11/21/2017	Court clerk Lisa Brown
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

COMPLAINT Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.

Family Division Cases

☐ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.

☐ An action within the jurisdiction of the family division of circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no. 17-005700-NF	Judge Hon. D. Langford Morris	Bar no.
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General Civil Cases

☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

☒ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in Wayne County Circuit Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no. 17-005700-NF	Judge Judge Lita Popke	Bar no.
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VENUE

Plaintiff(s) residence (include city, township, or village) Detroit, Wayne County, Michigan	Defendant(s) residence (include city, township, or village) County of Ingham, Michigan
Place where action arose or business conducted Oakland County, Michigan	

8/22/17

Date

Signature of attorney/plaintiff ANDREW J. HORNE P72523

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you to fully participate in court proceedings, please contact the court immediately to make arrangements.

MC 01 (5/15) **SUMMONS AND COMPLAINT**

MCR 2.102(B)(1), MCR 2.104, MCR 2.105, MCR 2.107, MCR 2.113(C)(2)(a), (b), MCR 3.208(A)

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PROOF OF SERVICE**SUMMONS AND COMPLAINT**

Case No. 17 NF

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE☐ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A](2)), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

- ☐ I served personally a copy of the summons and complaint,
☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,
together with _____

List all documents served with the Summons and Complaint

_____ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

- ☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature _____

Name (type or print) _____

Title _____

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Date _____ Signature: _____
Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____

Attachments

_____ on

Day, date, time

on behalf of _____

Signature _____

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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

VHS OF MICHIGAN, INC., d/b/a
THE DETROIT MEDICAL CENTER
(Michael Palazzolo)

2017-160464-NF
JUDGE SHALINA KUMAR

Plaintiff,

Case No.: 17- -NF
Hon.

v.

NATIONAL INDEMNITY COMPANY,

Defendant.

MILLER & TISCHLER, P.C.
BY: **ANDREW J. HORNE (P72523)**
Attorney for Plaintiff
28470 W 13 Mile Rd, Ste 300
Farmington Hills, MI 48334
(248) 945-1040; (248) 536-5042 fax
Email: ahorne@msapc.net

A prior action involving the same transaction or occurrence alleged in this Complaint was previously filed at the Wayne County Circuit Court, where it was given Docket No. 17-005700-NF and assigned to Judge Lita Popke. This action remains pending.

/s/ Andrew J. Horne
Andrew J. Horne (P72523)

**COMPLAINT FOR DAMAGES AND DECLARATORY RELIEF
AND JURY DEMAND**

NOW COMES Plaintiff, VHS OF MICHIGAN, INC. d/b/a THE DETROIT MEDICAL CENTER, by and through its attorneys, MILLER & TISCHLER, P.C., and for its Complaint, states as follows:

JURISDICTIONAL AVERMENTS

1. Plaintiff, VHS OF MICHIGAN, INC. d/b/a THE DETROIT MEDICAL CENTER ("DMC"), is a Corporation, which provides medical care, treatment, products and services to

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the general public, and conducts business in the City of Detroit, County of Wayne, State of Michigan.

2. Defendant, NATIONAL INDEMNITY COMPANY (hereinafter "Defendant"), is an insurance company licensed and certified by the Commissioner of Insurance to conduct business in the State of Michigan and to issue automobile insurance policies to Michigan residents, and it does continuous and systematic business throughout the State of Michigan.

3. Jurisdiction is proper in this Court as the amount in controversy exceeds \$25,000.

4. Venue is proper in this Court because the Defendant conducts business in the County of Oakland, State of Michigan.

COUNT I: STATUTORY NO-FAULT BENEFITS PURSUANT TO ASSIGNMENT

5. On or about August 28, 2016, Michael Palazzolo (hereinafter "Patient") was involved in a motor vehicle collision in which she suffered accidental bodily injury.

6. As a direct result of the accidental bodily injuries suffered by Patient, he sought treatment from DMC, where its staff provided reasonably-necessary medical products, services and accommodations for his care, recovery and rehabilitation.

7. Palazzolo has executed a valid assignment of benefits, consistent with MCL 500.3143 and Michigan Case Law, thereby assigning to DMC all rights, privileges and remedies to payment from Defendant for health care services, products or accommodations provided by DMC to which Patient is or may be entitled under Chapter 31 of the Insurance Code (MCL 500.3101, et seq), the No-Fault Act. **(Exhibit 1: Assignment).**

8. DMC is entitled to be reimbursed for reasonable charges incurred for all reasonably-necessary products, services and accommodations for Patient's care, recovery or rehabilitation arising out of the accident. MCL 500.3107(1)(a).

9. Pursuant to the Michigan No-Fault Act, Defendant is primary for the payment of all reasonable and customary charges for allowable expenses incurred as a result of Patient's accident.

10. DMC submitted reasonable proof of the fact and the amount of its bill to the Defendant, consisting of reasonable and customary charges for services rendered to Patient, and demanded payment.

11. The Defendant has unreasonably refused or delayed payment of the full balance of benefits due.

12. By virtue of the Defendant's refusal to pay for the reasonable and customary charges of DMC, the Defendant has breached its contractual and/or statutory obligations to provide no-fault benefits.

13. The payment of the allowable expenses incurred for DMC's services are overdue pursuant to M.C.L. 500.3142, and they are entitled to the payment of statutory interest (12%) in addition to the payment of their reasonable and customary charges. (M.C.L. 500.3142).

14. The refusal of the Defendant to pay these benefits, which are currently overdue, is unreasonable, and DMC is entitled to an award of attorney fees for its counsel's representation in attempting to collect these benefits. (M.C.L. 500.3148).

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WHEREFORE, DMC seeks the following relief against Defendant:

- A. A judgment pursuant to MCR 2.605 declaring that Defendant is liable for the no-fault benefits payable to DMC;
- B. Grant judgment against Defendant for the total amount of liability due and payable to DMC by Defendant for personal injury protection benefits;
- C. Grant judgment against Defendant for costs, RGA interest and no-fault penalty interest, pursuant to MCL 500.3142;
- D. Find that Defendant's delay and/or withholding of payment is unreasonable pursuant to MCL 500.3148 and Order Defendant to pay an award of attorney fees;
- E. Any other relief this Court deems appropriate.

COUNT II: MEDICARE DOUBLE DAMAGES

15. Plaintiff hereby restates paragraphs #1-14 as though fully set forth herein.

16. Medicare and/or a Medicare Advantage Organization has made certain payments for reasonably necessary medical services and items provided to Michael Palazzolo for bodily injury he sustained in the subject August 28, 2016 motor vehicle accident.

17. Defendant has breached its statutory and contractual duties to make such payments and is otherwise in violation of 42 U.S.C. § 1395y(b)(2)(A)(ii); 42 U.S.C. § 1395w-22; 42 C.F.R. § 422.402; 42 C.F.R. § 411.32; 42 C.F.R. § 422.108; and 42 C.F.R. § 423.462.

18. Pursuant to 42 U.S.C. § 1395y(b)(3)(A), DMC is entitled to recover from Defendant double the amount Medicare and/or a Medicare Advantage Organization has paid for reasonably necessary products, services, and accommodations for Michael Palazzolo's care, recovery, or rehabilitation for the bodily injuries he sustained in August 28, 2016 motor vehicle accident.

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WHEREFORE, Plaintiff prays for judgment against Defendant for such further relief and damages as allowed under 42 U.S.C. § 1395y(b)(3)(A), including interest under 42 C.F.R. § 411.24.

Respectfully submitted,

MILLER & TISCHLER, P.C.

/s/ Andrew J. Horne
BY: ANDREW J. HORNE (P72523)
Attorney for Plaintiff DMC
28470 W. 13 Mile Road, Suite 300
Farmington Hills, MI 48334
ph: (248) 945-1040; Fax: (248) 536-5042
email address: ahorne@msapc.net

Dated: August 22, 2017

JURY DEMAND

Plaintiff hereby demands trial by jury in the above entitled action.

Respectfully submitted,

MILLER & TISCHLER, P.C.

/s/ Andrew J. Horne P72523
BY: ANDREW J. HORNE (P72523)
Attorney for Plaintiff
28470 W. 13 Mile Road, Suite 300
Farmington Hills, MI 48334
ph: (248) 945-1040; Fax: (248) 536-5042
email address: ahorne@msapc.net

Dated: August 22, 2017

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EXHIBIT 1

ASSIGNMENT OF NO-FAULT BENEFITS/RIGHTS

I, Michael Palazzolo, do hereby assign my right to collect no-fault insurance benefits from the responsible no-fault insurance company and Michigan Automobile Insurance Placement Facility, for unpaid services rendered by VHS of Michigan, Inc., d/b/a The Detroit Medical Center to date, to VHS of Michigan, Inc., d/b/a The Detroit Medical Center and attorneys operating on its behalf. This is not an assignment for benefits payable in the future or after the date of this document.

Date: 6-5-17

Patient:

Michael Palazzolo
Michael Palazzolo



Notice of Service of Process

Transmittal Number: 17068298
Date Processed: 08/28/2017

Primary Contact: Claim Department
National Indemnity Company
1314 Douglas St
Ste 1400
Omaha, NE 68102-1944

Electronic copy provided to: Connor Dillard
Brandi Pahl
Chris Arispe
Brian Kamp
Adam Norris
Darius Regnier

Entity:	National Indemnity Company Entity ID Number 2297966
Entity Served:	National Indemnity Company
Title of Action:	VHS of Michigan, Inc., d/b/a The Detroit Medical Center vs. National Indemnity Company
Document(s) Type:	Summons/Complaint
Nature of Action:	Contract
Court/Agency:	Oakland County Circuit Court, Michigan
Case/Reference No:	2017-160464-NF
Jurisdiction Served:	Michigan
Date Served on CSC:	08/25/2017
Answer or Appearance Due:	28 Days
Originally Served On:	CSC
How Served:	Certified Mail
Sender Information:	Andrew J. Horne 248-945-1040

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC
251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com